

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ABRORKHODJA ASKARKHODJAEV,)
)
Defendant.)

Case No. 09-00143-01-CR-W-ODS

**ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOC. 316), (2) DENYING DEFENDANT'S MOTION TO
DISMISS COUNTS 89-90 & 92-94 (DOC. 262), AND (3) DENYING AS MOOT
DEFENDANT'S MOTION TO DISMISS COUNTS 10-11 & 13-15 (DOC. 71)**

On September 16, 2010, the Honorable Sarah W. Hays issued her Report and Recommendation concluding that the Court should deny Defendant's motion to dismiss Counts 89-90 and 92-94 and deny as moot Defendant's motion to dismiss Counts 10-11 and 13-15.¹ Defendant filed timely objections to the Report and Recommendation. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). Defendant's objections mirror the arguments made in his motion to dismiss Counts 89-90 and 92-94.

Upon careful and independent review of the pending motions and objections, as well as the applicable law, the Court agrees with the Report that Counts 89-90 and 92-94 are not multiplicitous. Judge Hays' Report and Recommendation is adopted as the Order of the Court. Defendant's motion to dismiss Counts 89-90 and 92-94 is denied, and Defendant's motion to dismiss Counts 10-11 and 13-15 is denied as moot. IT IS SO ORDERED.

DATE: October 4, 2010

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT

¹ The motion to dismiss Counts 10-11 and 13-15 targeted the original Indictment, which was superceded by the First Superceding Indictment.